

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LASALLE BANK NATIONAL
ASSOCIATION,

Plaintiff,

V.

KENTILE INDUSTRIAL PARK, LLC,

Defendant.

Civil Action No. 09-5160 (SRC)

OPINION

CHESLER, U.S.D.J.

This matter comes before the Court on the motion for summary judgment, pursuant to Federal Rule of Civil Procedure 56, by Plaintiff Bank of America National Association (“BANA”), as successor to LaSalle Bank National Association. For the reasons set forth below, the motion will be granted.

In short, Plaintiff seeks a judgment of foreclosure on the property at issue, located at 101 Kentile Road, South Plainfield, New Jersey. Plaintiff is the holder of a Promissory Note (the “Note”) secured by the Mortgage and Security Agreement dated July 14, 2005 (the “Mortgage”). The borrower under the Mortgage is Defendant Kentile Industrial Park, LLC (“Kentile”), which has not opposed this motion.

Plaintiff has shown that it is entitled to a judgment of foreclosure as a matter of law. In order to foreclose on a mortgage in New Jersey, the holder of a mortgage “must establish that (1) the mortgage and loan documents are valid; (2) the mortgage loan is in default; and (3) it has a contractual right to foreclose in light of the default.” *U.S. Bank, N.A. v. Thomas*, 2010 N.J.

Super. Unpub. LEXIS 616, 2010 WL 1029872, at *2 (N.J. Super. Ct. App. Div. Mar. 23, 2010).

None of these three elements is in dispute. Plaintiff has submitted evidence that the mortgage and loan documents are valid, that Kentile is in default on its obligations under the Note and Mortgage, and that, under Article 10.1(d) of the Mortgage, Plaintiff is entitled to foreclose in view of Kentile's default. Having not opposed this motion, Kentile has raised no factual disputes that might preclude a grant of summary judgment.

Plaintiff's motion for summary judgment is granted, and a judgment of foreclosure shall be entered against Defendant Kentile.

s/ Stanley R. Chesler
Stanley R. Chesler, U.S.D.J.

Dated: June 1, 2011